G. R. S. App. F. IX-4] **1942** **File No.** 120-42

Previous References. (Pris) **Serial Nos.** 1-3

Later References.
Pris 27-44 (17,82,92 R93 P.I (Pris.)

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 3

Part B for April 1943

SUBJECT.

Remission of Sentences to Short-term prisoners Sentenced to two years or more but less than three years.

G.O. No. P 7438 dated 12th April 1943

TO.

The D.G. of Prisons

Approves of the proposal of the D.G. of Prisons re:

15-6-43

3450 Pol 42

on the occasion.

(1)

REMISSION OF JAIL SENTENCES

EXTENSION OF PROCEDURE TO SHORT-TERM PRISONERS

MADRAS, Nov. 12

The cases of long-term prisoners including habituals are at present placed before the Standing Advisory Boards for consideration as to their premature release on completion of two-thirds of their sentence including remission provided they have served not less than 2½ years including remission and their conduct in jail has been exemplary. The Government have now directed that the Advisory Board Scheme be extended subject to the following conditions to all short-term prisoners whether habituals or not who have been sentenced to two years in the aggregate or more but less than three years: (1) that they have served three-fourths of their sentence excluding remission; and (2) that their conduct in jail has been exemplary.

Law Dept 4

(2) what is the position in Mysore ?

Mr 20/11

cw 20-11-42 + Mr 20/11

SECY. LAW DEPT. 1942 GOVT OF MYSORE

GOVT. OF MYSORE GEN. & REV. SECRETARIAT 23 NOV. 1942 BANGALORE

Mr 23/11

(3)

Submitted:- The practice and rule regarding the premature release of long-term prisoners in Mysore are same as they were in Madras, viz long term prisoners (including habituals) who were sentenced to 3 years or more, are put up before the Board provided they have completed 2/3rd of their sentence and 2 1/2 years including remissions. (vide Rule 308(1) of the Jail Manual) In the case of habituals 3/4th of their sentence and 3 years should have been served out

The new orders of the Govt of Madras reported in the News paper although

NOTE—Contn. Sheet.

PRISON

✓ Long-term Convicts — Rule for premature

has reduced the period from 10 to 2 years this all prisoners undergoing habituals will be put up before Board provided they have been undergoing sentence of 2 years or more and completed 3/4 th of their Sentence :- - - - - - - - - - - - - - - - - -

Submitted for orders if a similar provision may be made here also.

26/11/Per

(4) In Madras the rule regarding the revision of sentences of prisoners is that the cases of all prisoners who have served two-thirds of their sentence including remission and have served not less than 2½ years including remission is placed before the Advisory Board for consideration as to whether their premature release will be recommended (Rule 310A).

The benefits of this scheme of revision will thus be applicable to prisoners sentenced to three years and more.

This scheme is more liberal than those in Bengal and the Punjab where revision of sentences is confined to life-convicts (that is to say, prisoners whose sentence amounts to 25 years or 20 years' imprisonment according to the class to which they belong) and to prisoners sentenced to more than 14 years or transportation.

It is now reported that the Madras scheme has

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has been extended even to short term prisoners sentenced to two years or more but less than 3 years, provided they have served three-fourths of their sentence excluding remission and their conduct in Jail is exemplary.

(5) The Mysore Rules divide prisoners into three classes, non-habituals, habituals and life-term convicts; the latter are again divided into three classes, viz., classes I, II and III. Different ratios are laid down for each class as to the period of sentence to be served before a case can be brought under review. Thus

(a) non-habituals must have served two-thirds of their sentence and two and a half years including remission;

(b) habituals - three-fourths of their sentence and not less than three years including remissions;

(c) life-termers - Class I and II must have served 14 years including remissions and class III, two-thirds of 20 years including remissions. (Rule 308(3))

Except for this somewhat complicated division of prisoners, the position in Mysore is the same as that in Madras before the reported extension of the scheme.

As regards this division of prisoners, the Prison Reforms Committee saw no particular use or

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

IX Long term convicts - Rule for premature release.

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or advantage in it. They were in favour of the arrangement in Madras under which the case of all prisoners, who have served two-thirds of their sentence including remission, comes up for revision, since it conduces to a simplification of procedure as well as to an enlargement of scope. (Chapter IX para 6).

DEC 21 1942 No. 5536

SECY. LAW DEPT. 7584 GOVT OF MYSORE

JWW 15/12

Law Secy)

Rem re Law

(6) cus 18-12 JWW 24/12

(7) Please consult Legislative Secy

Bm 28/12

cus 22/12

JWW 24/12

(8) Draft letter to Hon'ble Chief Minister is submitted for approval.

24/12/42

(9) Issue JWW 24/12

Issued letter No. P. 4559 dated 28.12.1942 to Hon'ble Chief Minister

Yours, Hon'ble Chief Minister,

Letter No. 772-h dated 22nd Feby 1943 stating that the benefit of the Standing Remission Scheme may be

28/12

Standing Advisory Bd. Rules — Extension of Concessions to Short Term prisoners

extended to such offenders who are sentenced to 2 years or more but less than 3 years excluding the sentences in default of payment of fine and who have served 18 months of such sentences excluding remissions

10) Submitted: Kind reference, paras 1 & 2 and 7 of the note supra.

According to the details published in the News paper note at para 1 of the note supra, the Scheme has been extended to the habitual prisons as well, in Madras etc.... the D.G. of Prisons against whom an return to the habitual line... The Newspaper note does not in its contains any mention about the default sentence.

Submitted for orders of the extension of the Scheme as per the opinion of the D.G. may be adopted

24/2/43

11) Kindly examine the D.G.P's proposal vide reference to the Prison Reforms Committee's recommendations on the subject

25.2.43

MM 4/3

From,

The D.G. of Prisons,

Madras.

Lr. No. S 32-595, dated 23.2.1943

Secretary to Govt. Home (Jails) Department

Release of prisoners on parole.

12) Salmuthus.

The existing rules for the disposal of cases by the Standing Enemy Boards in respect of accelerated release of prisoners provide for consideration of cases of prisoners both non-habitual & habitual. In the case of the former the condition precedent is that they should have served 1/3 of their sentences and also two & a half years of their sentences including remissions. In the case of the latter they should have completed 2/3 of their sentences & three years including remissions. In either case prisoners sentenced to three years & some only can come under the purview of the boards.

Further, for the purpose of considering the cases the boards call for the opinion of the people of the locality to which the prisoners belong and also that of the Supdt of Police of the Dist & the Dist Magn.

The Prison Reforms Committee recommend that the distinction between the habituals & non habituals should be done away with and that as in the British India the cases of prisoners who have undergone completed 2/3 of their sentences may be considered by the Boards irrespective of their

being habitual or non habitual They suggest also that the accelerated release should be confined to first offenders & to those who though they may have been convicted more than once, have not become confirmed in their evil course. They emphasis that particulars to be placed before the board in each case should include the opinion of the Superintendent of Prison visiting authorities and the Criminal History and antecedents of the prisoner and the opinion of the District Magistrate and that the determining Consideration should be prisoner's life and Character in Jail. Prior objection, they say, should be based on newly arisen circumstances and not on the local reputation or past associations It is advocated by the Committee that a positive system under which the boon is placed under the supervision of some qualified person or after-care organisation is preferable to a merely negative type of upbringing to the former.

At present the accelerated release is confined to persons entranging the Indian Penal code provisions but the Committee recommend its extension to persons who have been punished & sentenced

under the provisions of the local Govt laws etc

A Board shall way of supervision of the released prisoners is recommended by the Committee They urge that legislation is required for enforcing Courts to make supervision rules, appoint probation officers etc

Another important recommendation of the Committee is that the release of prisoners on parole for a short temporary periods not exceeding 15 days in a year.

They say that the Police Supervision over the Conditionally released prisoners should not be employed.

The Govt of Travancore while agreeing that deserved cases of prisoners other than life term convicts may also be brought up for Reconsideration before the Boards & Govt., is not in favour of the differences in the period of sentence they have to undergo before becoming eligible for Executive release, being removed between the habitual & non-habitual He is of opinion that such a distinction is necessary and that the existing practice may continue to be retained

He is however in favour of the executive

release being confined to persons first offenders & persons [illegible] who though they may have been convicted more than once; have not become confirmed in their evil course & suggests that a rule to the effect may be made.

He [illegible] is not in favour of allowing the Question of Religion authorities to have any thing to do with the conditional release & wants the continuance of the existing practice only, the reports of the Police, as at present being taken into consideration.

He suggests that as regards the placing of released persons under the supervision of probation officers, the enactment of the Probation of Offenders Act may be awaited & the Scheme may be given effect when it comes into force.

He has no objection to the conditional release being extended to persons convicted & sentenced under Acts other than the Indian Penal Code. Similarly he is not in favour of making a legal provision [illegible] to make Reformatory orders & appoint probation officers &

10

Continuation Sheet. File No. / Current No. of Page.

The Spirit of Rule 24 is against the release of prisoners on parole for comparatively short period of 15 days in a year. His objection is that it will involve considerable risk and that the present system is adequate enough

He states that till probation of Offenders Act is brought into force, the present practice of ~~granting~~ may be continued in respect of extending the benefit of conditionally released prisoners to persons other than first

As regards the recent practice of the Govt of Madras to exclude persons sentenced to 2 years & more the 2nd is ~~satisfactory~~ not in favour of the change

Submitted for orders

24/3/63

27.3.63

13) Kind reference is invited to paras 4 to 7 of the rules and orders supra.

The A.G.P's recommendations to extend the benefits of the scheme of accelerated release to first offenders who are sentenced to 2 years or more but less than 3 years provided they have served 3/4 of their sentences excluding remission, is reasonable. In Madras no doubt the scheme is applicable even to habituals. But the Prison Reforms Committee in ~~the~~ in Para 4 of Chapter IX of their Report recommend that accelerated release should be confined, as a rule, to first offenders and to those, who though they may

PRISONS

11

Serial No.

have been convicted more than once, have not become confirmed in their evil courses. Also G.of I's recommendations to extend this scheme only to first offenders may perhaps be approved.

NWR 28/3

Law Secy,

14) The recommendations of the G.G.P. may be accepted. The benefit should not be confined to the habitual Cs.

Cus 29-3-43

Member Rev NWR 29/3

15) JTM 2.4.43

Cus 2-4-43

Secy NWR 2/4

16) Rev 6/4/43

NWR 6/4

17) Draft G.O is submitted for appl

Secy NWR 8/4

7/4/43

GL 8.4.43

Issued G.O No P. 7438 dated

B 7/4/43

NOTE—Cont. Sheet.

7708

11554 29.3.43 RECORD

OFFICE OF THE MINISTER FOR EDUCATION Date 30.3.43 5428

W.D.'04155—GPB—55,000—23-10-41

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

NO. P 4559/Pri 120-42-1 Bangalore, dated 28/12/42

12

FROM

The Secretary to the Government of His Highness
the Maharaja of Mysore.

To

Law Department.

The Inspector General of Prisons in Mysore,
B a n g a l o r e .

CONSIDERATION OF THE CASES OF SHORT TERM PRISONERS BY THE STANDING ADVISORY BOARD.

S i r ,

I am directed to forward herewith for favor of furnishing your opinion, a copy of a press abstract reporting the extension in Madras of the system of remission of sentences to short term prisoners sentenced to two years or more but less than three years.

A very early reply is requested.

I have the honor to be,
S i r ,
Your most obedient servant,

28/12

Secretary to Government,
Law Department

P.H.

No. P. 4553/1/2 dated 28/11/42

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

13

To

The Secy of Govt,

Subject:— Commutation of the cases of short term prisoners by the Standing Advisory Board

Sir,

I am directed to forward herewith for favour of transmission to your Govt, a copy of press note dated 12th Nov 1942 regarding the revised procedure adopted by the Govt of Madras, in the above matter.

A very early reply is requested

I have etc,

for Secy to Govt, Home Dept

Copy of press abstract reporting the extension in Madras of the system of remission of sentences to short term prisoners sentenced to two years or more but less than three years

C. F. No. 46]

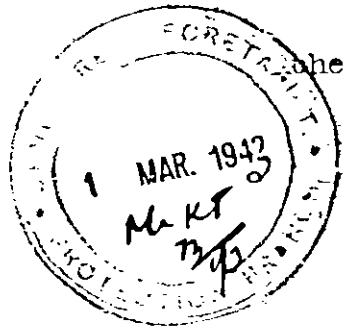
0011 P642 14

GOVERNMENT OF MYSORE

Tele gram / phone

OFFICE OF

No. 772-4
Encls.



The Inspector-General of Prisons
in Mysore,
Bangalore,

Date 26th February 1943.

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department. Bangalore.

Pres 120-42-2

Sir,

Subject:- Consideration of the cases of short term prisoners by the Standing Advisory Board.

Placed below

With reference to your letter No. P. 4559/Pris. dated the 28th December 1942 on the above subject, I have the honour to state that the benefit of the Standing Advisory Board Scheme may be extended to first offenders who are sentenced to 2 years in the aggregate or more but less than 3 years excluding the sentence in default of fine if any, subject to the condition that they have served $\frac{3}{4}$ of their sentence excluding remission and that their conduct in Jail has been exemplary.

I am of opinion that for reasons given under para 7, Chapter VII, of the Report on Prison Reforms, it is not desirable to extend the scheme to habitual prisoners.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons

Gle

15

G. R. S. App. F VI—G. 2]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

Section Jors

File No. 120-42

Serial No. 3

General and Revenue Secretariat

( )

the *19*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 12/11/1963

Signed by Mr. M. K. V.

Read— Correspondence ending with letter No 772-4, dated 27.2.1963 from the Superintendent of Prisons stating that the benefit of the Standing Advisory Board Scheme may be extended to first offenders who are sentenced to 2 years ~~Order thereon.—No~~ in the aggregate or more but has been 3 years excluding the sentence in default of payment of fine if any, subject to the condition that they have served 3/4 of their sentence excluding

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

necessaries and their conduct
in the jail has been exemplary
vide No. P.7438

Govt are pleased to
approve of the proposal of
the Dy of Prisons and
accordingly direct that
the following amendments ~~are made~~ in the rules contained in the Jail
Manual Vol I, namely —

~~added as clause (e) of sub rule (1) of~~
~~the made to Rule 308~~
~~of the Jail Manual Vol I~~ — Add the following as clause (e) of sub-rule (1) of
rule 308, namely, —

~~Add the following as Clause~~
~~(e) of Sub-rule (1) of rule~~
308

"(e) First offenders the Standing
Advisory Board may also recommend
the release of first offenders who are
sentenced to 2 years in the
aggregate or more but
less than 3 years excluding
the sentence given in default
of payment of fine, if they
subject to the Condition that they have served ~~3/4th~~ three-fourths of
their sentence excluding remissions & that their conduct in
jail has been exemplary"

List of Enclosures

Copied by
Examined by

WD 03696 -GPB--30,000 2-2-40

To the Dy of Prisons
Telegram Counter

for Secy to Govt, Home Dept